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June 18, 2013

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★ JUN 21 2013 ★

BROOKLYN OFFICE

VIA ECF

The Honorable Nina Gershon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Morris Nelson v. First Transit, Inc.
CV 11-4366(NG)(RML)

Dear Judge Gershon:

The parties jointly submit this correspondence to inform the Court of the status of the above-referenced litigation and to jointly request that the Court refer this case to a United States Magistrate Judge for mediation.

By way of procedural background, the Court conditionally certified an FLSA collective action in this case on February 7, 2013. The period for individuals to join the conditionally certified collected action closed on approximately April 13, 2013. Eight individuals, in addition to Named Plaintiff Morris Nelson, timely joined the conditionally certified collective action.

At the close of the opt-in period, Plaintiff's counsel and Defendant's counsel conferred regarding the status of the case. The parties discussed settlement and agreed that mediation before a United States Magistrate Judge would significantly aid the parties and reaching a potential resolution of all claims in this case. Accordingly, the parties jointly request that the Court refer this case to a United States Magistrate Judge for mediation.

*Application granted & case
respectfully referred to
U.S. Mag. As Ordered*

*USDJ
6-19-13*



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Thank you for Your Honor's consideration and guidance in this matter.

Very truly yours,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to be "Justin R. Barnes", written over the printed name.

Justin R. Barnes

(submitted on behalf of both Plaintiff and
Defendant)

JRB/jb

cc: Walker G. Harman, Jr., Esq. (by ECF)
Wendy Mellk, Esq. (JL-NYC) (by ECF)
Samantha Abeysekera, Esq. (JL-NYC) (by ECF)